

KING COUNTY LAW LIBRARY
King County, Washington
January 1, 1990 Through December 31, 1992

Schedule Of Findings

1. The Law Library Board Of Trustees Should Comply With The Open Public Meetings Act

Less than a majority of the law library board of trustees were present where official library business was conducted for four meetings held between October 1990 and August 1992. Washington State statutes require that a majority of the board be present to make decisions or take action on official business.

The law library board of trustees generally meets on a monthly basis. However, it is often difficult to schedule meetings where a majority of the board is present during summer months. During such months, the librarian, who is the secretary of the board, brings the claims voucher approval list and associated vouchers individually to several of the board members for approval.

RCW 42.30.060 states in part:

No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public . . . Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void. (Emphasis ours.)

RCW 42.30.010 defines an "action" as:

. . . the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. 'Final action' means a collective positive or negative decision, or an actual vote by a majority or the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. (Emphasis ours.)

In addition, RCW 42.30.070 states in part:

. . . It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: Provided, That they take no action as defined in this chapter.

Transacting official business outside of an open public meeting deprives the public of their right to participate in and be kept informed of decisions made by the governing body of the library. The act requires a majority of the governing body to be present for an open public meeting to occur.

A successor librarian was appointed in October 1992, to replace the previous librarian who had retired in August 1991. Also, two board members retired and were replaced in February 1991. The current librarian maintains all meetings from September 1992 through July 1993 have had a quorum of board members present and this is supported by our review of the minutes of these meetings.

The librarian admitted vouchers will again be approved outside an open meeting for August 1993, because she has been unable to schedule a meeting date where a majority of board members can attend. She indicated she will pursue with the board of trustees implementation of procedures authorized by RCW 42.24.180 to issue claims warrants prior to approval to avoid this problem in the future.

We recommend the board of trustees conduct all official library business in open public meetings as defined by the Open Public Meetings Act.

2. Retirement Pay For Accrued Vacation And Sick Leave Of The Former Librarian Exceeded The Authorized Amount

Librarian James J. McArdle retired on August 31, 1991, and his final compensation included a buy out of unused vacation and sick leave hours which exceeded the authorized amount by \$1,443.08.

The librarian is a salaried employee and his annual salary needed to be converted to an hourly rate to pay for unused leave balances. The librarian computed his hourly pay rate using 1,680 hours. He also prepared the payment voucher for his final pay check, which was approved by the board of trustees.

The library does not have its own formal written policy regarding vacation and sick leave buy outs. Instead, the librarian used King County's policies, which are also used for vacation and sick leave accruals. Library staff work a seven hour per day schedule. King County Code, Section 3.12.190 regarding vacations, specifies annual hours of 1,820 for a seven hour per day schedule.

The effect of using 1,680 hours rather than 1,820 hours for computing the hourly pay rate is to increase gross wages paid for unused leave balances. This appears to have resulted in an overpayment to the librarian for his final compensation as illustrated below:

Type of Leave	Amount Paid	Amount Due	Overpayment
Vacation	\$10,720.00	\$ 9,895.38	\$ 824.62
Sick Leave	<u>8,040.00</u>	<u>7,421.54</u>	<u>618.46</u>
Total	\$18,760.00	\$17,316.92	\$1,443.08

The overpayment resulted from a lack of written policies and procedures governing computation of vacation and sick leave buyouts and a lack of independent review of the calculations made.

We recommend the library establish written policies and procedures governing vacation and sick leave, including payment for unused balances upon retirement.

We also recommend calculations for vacation and sick leave buy outs at retirement be reviewed independently by another staff member or the board of trustees. We further recommend the library seek recovery of the overpayment to the former librarian.